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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/872,732 | 06/01/2001 | Marc Abrahams | 450103-03027 | 3933 |
| 20999 | 7590 | 05/25/2005 | EXAMINER | |
| FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | PWU, JEFFREY C | |
| | | | ART UNIT | PAPER NUMBER |

2143

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,732

Applicant(s)

ABRAHAMS ET AL.

Examiner

Jeffrey C. Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/7/2005 amendment.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being unpatentable over Kay (U.S. 6,272,492).

Kay discloses claims:

1. A method of communication between a communication device and a website, comprising the steps of:

establishing a first connection between said communication device and said website via a front end server hosting said website and displaying pages of said website to said communication device; (116)

transmitting information from said communication device to said front end server;

receiving information at said communication device from said front end server via a firewall; (col.7, lines 9-24; "A front-end proxy may be used to provide the gateway through a web site's firewall, thus protecting the system hosting the content...")

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establishing a second connection between said communication device and said website via a back end server not hosting said website, wherein the second connection registers the communication device with the back end server; and (116, 416)

transmitting information from said communication device to said back end server independent of said firewall. (416, 418)

2. The method of claim 1, wherein said first connection is terminated before said second connection is established. (416, 418)

3. The method of claim 1, wherein said information transmitted from said communication device to said front end server comprises at least identification information. (col.5, line 58-col.6, line 14)

4. The method of claim 1, wherein said information received at said communication device from said front end server comprises at least instruction information allowing said back end server to recognize said communication device. (106)

5. The method of claim 1, wherein said information transmitted from said communication device comprises registration information. (451)

6. The method of claim 1, wherein said information received by said communication device from said front end server comprises operating system software. (it is inherent a front end server comprises operating software)

7. The method of claim 1, wherein said second connection between said communication device and said back end server is established via an Internet Service Provider associated with said communication device. (402, also see "proxy server")

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8. The method of claim 1, wherein said information transmitted from said communication device to said back end server comprises data to be backed up on said back end server. (col.5, lines 5-56)

9. The method of claim 1, further comprising the step of receiving information at said communication device from said back end server. (106)

10. The method of claim 9, wherein said information received at said communication device comprises information backed up from said communication device on said back end server. (102, 202)

11. A method of communication between a website and a communication device, comprising the steps of establishing a first connection between said website and said communication device via a front end server hosting said website; receiving information at said front end server from said communication device via a firewall; transmitting information from said front end server to said communication device; establishing a second connection between said web site via a back end server not hosting said website and said communication device, wherein the second connection registers the communication device with the back end server; and receiving information at said back end server from said communication device independent of said firewall. (claim 11 is similarly rejected as in claim 1)

12. The method of claim 11, wherein said first connection is terminated before said second connection is established. (104)

13. The method of claim 11, wherein said information received at said front end server from said communication device comprises at least identification information. (col.5, line 58-col.6, line 14)

14. The method of claim 11, wherein said information transmitted from said-front end server to said communication device comprises at least instruction information allowing said back end server to recognize said communication device. (it is inherent for the communication device to contain instructions to communicate)

15. The method of claim 11, wherein said information received at said front end server comprises registration information. (451)

16. The method of claim 11, wherein said information transmitted from said front end server to said communication device comprises operating system software. (it is inherent the information transmitted from said front end server to said communication device comprises operating system software)

17. The method of claim 11, wherein said second connection between said back end server and said communication device is established via an Internet Service Provider associated with said communication device. (402)

18. The method of claim 11, wherein said information received at said back end server comprises data to be backed up on said back end server. (208)

19. The method of claim 11, further comprising the step of transmitting information from said back end server to said communication device. (210)

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20. The method of claim 19, wherein said transmitted from said back end server comprises information backed up from said communication device on said back end server.

21. A computer system for hosting a website, comprising: a front end server hosting said website, said front end server receiving information from said communication device and transmitting information to said communication device, via a firewall; and a back end server associated with said website but not hosting said website coupled with said front end server, said back end server receiving registration information from said communication device upon establishment of a connection between said back end server and said communication device, independent of said firewall.

22. A system of communication between a communication device and a website, comprising:

means for establishing a first connection between said communication device and said website via a front end server hosting said website; means for transmitting information from said communication device to said front end server, via a firewall; means for receiving information at said communication device from said front end server via a firewall; means for establishing a second connection between said communication device and said web site via a back end server not hosting said website, wherein the second connection registers the communication device with the back end server; and means for transmitting information from said communication device to said back end server independent of said firewall. (claim 25 is similarly rejected as in claim

1)

23. A system of communication between a website and a communication device, comprising: means for establishing a first connection between said website and said communication device via a front end server hosting said website; means for receiving information at said front end server from said communication device, via a firewall; means for transmitting information from said front end server to said communication device; means for establishing a second connection between said web site via a back end server not hosting said website and said communication device, wherein the second connection registers the communication device with the back end server; and means for receiving information at said back end server from said communication device, independent of said firewall. (claim 25 is similarly rejected as in claim 1)

24. A computer program for providing communication between a communication device and a website, said computer program comprising: an instruction for establishing a first connection between said communication device and said website via a front end server hosting said website; an instruction for transmitting information from said communication device to said front end server; an instruction for receiving information at said communication device from said front end server, via a firewall; an instruction for establishing a second connection between said communication device and said web site via a back end server not hosting said website, wherein the second connection registers the communication device with the back end server; and an instruction for

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transmitting information from said communication device to said back end server, independent of said firewall. (claim 25 is similarly rejected as in claim 1)

25. A computer program for providing communication between a website and a communication device, said computer program comprising: an instruction for establishing a first connection between said website and said communication device via a front end server hosting said website; an instruction for receiving information at said front end server from said communication device, via a firewall; an instruction for transmitting information from said front end server to said communication device; an instruction for establishing a second connection between said web site via a back end server not hosting said website and said communication device, wherein the second connection registering the communication device with the back end server; and an instruction for receiving information at said back end server from said communication device independent of said firewall. (claim 25 is similarly rejected as in claim 1)

Response to Arguments

3. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



5/19/2005

JEFFREY P. WONG
PATENT EXAMINER